

Applicant : Rogers et al.
Serial No. : 10/737,193
Filed : December 15, 2003
Page : 7 of 7

Attorney's Docket No.: 16491-008002

REMARKS

Claims 1-17 are pending. Claims 1 and 10 are in independent form.


In the office action mailed July 5, 2005, the claim for priority found in the first sentence of the application was objected to as being improper. Paragraph [0001] has been amended to recite that this "application is a continuation-in-part of ... U.S. application serial no. 09/841,133." Also, a substitute declaration is submitted herewith in accordance with 35 U.S.C. § 26.

Claims 1-17 were objected to under the doctrine of obviousness-type double patenting as not being patentably distinct from the claims of U.S. Patent 6,665,385. Applicant disagrees, but to advance prosecution, submitted herewith is a terminal disclaimer that obviates the double patenting rejection.

The application is believed to be in condition for allowance. No fees are believed due at this time. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: October 5, 2005



John F. Courroy
Reg. No. 45,485

Fish & Richardson P.C.
PTO Customer No. 20985
12390 El Camino Real
San Diego, California 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099
10556500.doc